

**TOWN BOARD MEETING**  
 WEDNESDAY, SEPTEMBER 5, 2007; 7:00 P.M.  
 NEW WINDSOR TOWN HALL  
 NEW WINDSOR, NEW YORK

**BOARD MEMBERS PRESENT:** Supervisor Green, Councilwoman Mullarkey,  
 Councilwoman Biasotti

**OTHER OFFICIALS PRESENT:** Comptroller Finnegan, Deputy Police Chief Hovey  
 Town Attorney Blythe, Highway Superintendent Fayó

**ABSENT:** Councilwoman Weyant

Supervisor Green called to order the Town Board meeting and presided over same.

**#1 On Agenda: Minutes**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearings regarding establishment of Extension #2 to Water District #5 and Amendment to Chapter 280-5(C) of Vehicle and Traffic Law, and the Minutes of the Town Board Meeting all held on August 1, 2007 and the Minutes of the Special Town Board Meeting held on August 9, 2007, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

**UNFINISHED BUSINESS**

**HIGHWAY DEPARTMENT**

**#2 On Agenda: Motion - Authorization To Execute An Agreement –  
 Snow And Ice Control For 2007-2008 Season**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Town Supervisor to execute an Agreement between the County of Orange and the Town of New Windsor for snow and ice control on certain county roads for the 2007-2008 season.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

**WATER DEPARTMENT**

**#3 On Agenda: Receive and File Inter-Municipal 20 Year Renewable  
 Water Supply Agreement Between Town Of New Windsor  
 And City Of Newburgh**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Inter-Municipal 20 Year Renewable Water Supply Agreement, dated August 27, 2007, between Town of New Windsor and City of Newburgh.

**# 4 On Agenda: Motion – Authorize Supervisor To Execute Agreement  
 For Design Services - Interconnect With City Of Newburgh**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, P.C., for design services relating to the interconnection of municipal water sources pursuant to the Emergency Water Agreement between Town of New Windsor and City of Newburgh dated September 26, 2006, and the 20 Year Renewable Water Agreement between the Town of New Windsor and City of Newburgh dated August 27, 2007.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

**SANITATION DEPARTMENT**

**GENERAL**

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**# 5 On Agenda:      Motion – Approve And Endorse Grant Application  
To Hudson River Valley Greenway For Construction  
Of “Gabion Wall At Plum Point Park”**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following resolution:

**WHEREAS**, Town of New Windsor is applying to the Hudson River Valley Greenway for a \$5,000.00 grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitled “Gabion Wall at Plum Point Park”, which project is located in Town of New Windsor; and

**WHEREAS**, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality in which the project will be located; and

**WHEREAS**, the grant requires a 100% match of funds awarded; and

**WHEREAS**, the Town Board of the Town of New Windsor has determined that this project would have no adverse environmental impact.

**NOW THEREFORE, BE IT RESOLVED, THAT**

1. The Town Board of the Town of New Windsor approves and endorses the application to the Hudson River Valley Greenway for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitled “Gabion Wall at Plum Point Park”, which is located within this community.
2. The Town Board of the Town of New Windsor authorizes the required 100% match of funds, if awarded, said sum not to exceed \$5,000.00.
3. The Town Board of the Town of New Windsor hereby declares a negative declaration for the construction of a Gabion Wall at Plum Point Park.

The Town Board of the Town of New Windsor authorizes the Supervisor to execute the short Environmental Assessment Form.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

**# 6 On Agenda:      Motion – Reduce Performance Bond –  
Briarwood Subdivision**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize reduction of the performance bond for Briarwood Estates Major Subdivision (PB #01-60) from \$2,900,400.00 to \$1,289,759.00 as recommended by McGoey, Hauser and Edsall Consulting Engineers, P.C. via correspondence dated August 29, 2007.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

**# 7 On Agenda:      Receive and File Notice Of Claim – Fred Locklary Versus  
Town Of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Notice of Claim in the matter of Fred Locklary against the Town of New Windsor, same being referred to the Town Attorney.

**# 8 On Agenda:      Receive and File Bond Reduction —  
Mt. Airy Estates Subdivision, Phase I**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Consent of Reduction of Bond #G00015 from Highlands Insurance Company in the amount of \$58,972.00 for Phase I of the Mt. Airy Estates Subdivision as authorized by the Town Board on September 5, 2001.

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**# 9 On Agenda: Motion – Reduce Performance Bond –  
Mt. Airy Estates Subdivision, Phase II**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize reduction of the performance bond for Mt. Airy Estates Major Subdivision, Phase II, from \$347,745.82 to \$38,952.00 as recommended by McGoey, Hauser and Edsall Consulting Engineers, P.C. via correspondence dated August 10, 2007.

*Roll Call: All Ayes*

*Motion Carried 3-0*

**# 10 On Agenda: Receive And File Performance Bond -  
Mt. Airy Estates Subdivision, Phase VII**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Performance Bond #0447410 from International Fidelity Insurance Company in the amount of \$170,791.00 for Phase VII of Mt. Airy Estates Subdivision as authorized by the Town Board on July 5, 2007.

**# 11 On Agenda: Receive and File Performance Bond –  
Mt. Airy Estates Subdivision, Phase VIII**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Performance Bond #0447404 from International Fidelity Insurance Company in the amount of \$2,270,877.00 for Phase VIII of Mt. Airy Estates Subdivision as authorized by the Town Board on April 4, 2007.

**# 12 On Agenda: Motion – Reduce Performance Bond –  
Mt. Airy Estates Subdivision, Phase VIII**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize reduction of the performance bond for Mt. Airy Estates Major Subdivision, Phase VIII, from \$2,270,877.00 to \$950,510.00 as recommended by McGoey, Hauser and Edsall Consulting Engineers, P.C. via correspondence dated August 29, 2007.

*Roll Call: All Ayes*

*Motion Carried 3-0*

**# 13 On Agenda: Motion - Re-Appointment - Assessment Board Of Review**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor reappoint Vito Guidice of 17 Cannon Drive, New Windsor, New York to the Town of New Windsor Assessment Board of Review. Term shall begin immediately and expire September 30, 2012.

*Roll Call: All Ayes*

*Motion Carried 3-0*

**# 14 On Agenda: Motion – Call Public Hearing - Amendment To Zoning  
Local Law And Zoning Map - Knox Village Associates**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following resolution:

**WHEREAS**, the Town of New Windsor did annex certain lands of Knox Village Associates, from the Town of Cornwall in 2005, which lands are now identified as Town of New Windsor Section 70, Block 1, Lot 49, comprising approximately 8.848 acres; and

**WHEREAS**, the owner submitted its petition to the Town of New Windsor on June 14, 2007, to designate lands as R-3 pursuant to Zoning Local Law Section 300; and

**WHEREAS**, pursuant to SEQRA, the Town of New Windsor Town Board determined at a meeting held October 11, 2005, that the annexation of the subject property and subsequent zoning of same would have no adverse impact on the environment and declared a Negative Declaration; and

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**WHEREAS**, said petition was simultaneously submitted to the Orange County Department of Planning and the Town of New Windsor Planning Board for review and approval; and

**WHEREAS**, the Orange County Department of Planning having reviewed and approved the submission by correspondence dated July 24, 2007; and

**WHEREAS**, the Town of New Windsor Planning Board having reviewed and approved the submission by correspondence dated August 9, 2007; and

**WHEREAS**, based on the above, the Town is considering to zone the land R- 3, Suburban Residential, and accordingly revise the Zoning Map, Section 300-4.

**NOW THEREFORE BE IT RESOLVED, THAT** the Town Board of the Town of New Windsor direct the Town Clerk to advertise according to law for a public hearing to be held on the 3rd day of October, 2007 at 7:00 P.M. in the New Windsor Town Hall, New Windsor, New York 12553, to consider zoning of the property as R-3 as defined in the current zoning regulations.

*Roll Call: All Ayes*

*Motion Carried 3-0*

**# 15 On Agenda: Receive And File Application For Senior Citizen Housing Project - BCM Development Company, LLC – Mt. Airy Road - (Windsor Ridge)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an application submitted by BCM Development Company, LLC for a senior citizen housing project on Mt. Airy Road (Windsor Ridge – Section 54, Block 1, Lots 39.2 and 43.21) same to be subject to a report from the Town of New Windsor Planning Board in accordance with Town Code Section 300-18.

**# 16 On Agenda: Receive And File Application For Senior Citizen Housing Project – Vesely Estates At Stephens Woods (Moores Hill Road)**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an application submitted by Vesely Estates at Stephens Woods for a senior citizen housing project on Moores Hill Road (Section 32, Block 2, Lot 15) same to be subject to a report from the Town of New Windsor Planning Board in accordance with Town Code Section 300-18.

**# 17 On Agenda: Motion – Call Public Hearing - Proposed Amendment To Chapter 280-5(C) Of Vehicle And Traffic Law**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor call a Public Hearing to be held on October 3, 2007, at 7:00 p.m., in Town Hall, 555 Union Avenue, New Windsor, New York, and authorize the Town Clerk to advertise for same pursuant to law regarding the proposed change to Chapter 280-5(C) of the Vehicle and Traffic Law of the Town of New Windsor for an additional 3-way Stop sign at Schiavone Road and Vascello Road.

*Roll Call: All Ayes*

*Motion Carried 3-0*

**# 18 On Agenda: Officials Reports**

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of July 2007
Fire Prevention	Month of July 2007
Fire Prevention	Month of August 2007
Justice Richard Thorpe	Month of July 2007
Justice Richard Thorpe	Month of August 2007
Justice Donald Suttlehan	Month of August 2007
Receiver of Taxes – Water-Sewer-Garbage	Month of July 2007
Receiver of Taxes – Water-Sewer-Garbage	Month of August 2007
Recreation Department	Month of August 2007
Town Clerk	Month of August 2007

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**# 19 On Agenda: Public Forum**

Supervisor Green asked if any of the Town Board members had any comments they wished to make and then opened the public forum portion of the meeting.

Sandra Kissam asked why the meeting procedure in the Town of New Windsor is different than the way the meetings are conducted in the Town of Newburgh. Supervisor Green replied that meetings have been held this way for more than twenty years and procedure is based upon Robert's Rules of Order. She then asked about a statement that the Supervisor made during the public hearing for the Restore NY Grant when he said that New Windsor would be sharing in the profits of First Columbia. Supervisor Green said that he meant the Town would receive tax benefits from First Columbia. Sandra then asked if the granting of state money was based upon the tax benefit a company could provide. Supervisor Green said she would have to read the grant documents, but they are doing exactly as the grant requires, which is demolishing buildings and most of the grants are to private companies which have been sponsored by public entities.

Sam Vriesema asked about the cell tower status and was informed that a public hearing would be held probably in December. He asked when he could turn in the petitions that had been collected and was told they could be handed in at any time. He also had questions about the tax base of the Vails Gate Fire Department. Supervisor Green explained that taxpayers pay for fire protection to the district, which in turn contracts with the fire company. The tax receiver collects the fire district taxes and they are passed on to the fire district, in other words the fire district is the taxing entity and the town only acts as a conduit for that tax money.

Mr. Vriesema wanted to know if any alternative site for the cell tower was discussed. Supervisor Green said there was an alternative site on Chaleff's Lane and asked him to come in and look at the application if he had any questions about Nextel's tower. Mr. Vriesema also wanted to know what criteria the Town Board used for granting variances and other things. The Supervisor said it was difficult because it is a public entity applying to another public entity.

Leo Braun asked if the town was planning to lift the water moratorium and if so, what would that do when the Catskill Aqueduct was shut down next year - would the moratorium be reinstated? Supervisor Green said they plan on a limited lifting of the moratorium, although the problem is the availability of a sustainable supply of raw water. Supervisor Green said he has met with several neighboring towns, Orange County and the City of New York to discuss alternatives for when the two aqueducts are shutdown and the future water situation looks very promising. The Town is looking at assessing our future water usage and the Town Board is talking about changing some of our water regulations, changing some of our billing procedures for those who are habitual water abusers; and requiring on-site wells for new site plans and on-site water exploration requirements.

Bob Calotta asked how to get a streetlight installed at the end of Shaker Court. Part of the road is a circle, there is no streetlight there and it is starting to become a hangout because it is so dark. Supervisor Green asked him to call his office the next day and an inspector would go out and inspect the area.

Eric Rafael asked if he could make a presentation at a workshop meeting relating to the Nextel cell tower the same night that Nextel would be making their presentation. Supervisor Green said he could not speak at the workshop, however anyone could speak at the public hearing, which will probably be held in December, and at the Planning Board public hearing also. Mr. Rafael said that the international standard is that a cell tower must be at least 1,500 feet from a school and there are several schools near the proposed location. Supervisor Green said that all that information will be available at the public hearing. Mr. Rafael gave copies of maps and other literature to the Supervisor and asked that copies be distributed to the Town Board members.

Fran Shapiro read a letter which was printed in the Mid Hudson Times relating to the placement of a cell tower to be located in New Windsor.

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Sam Vriesema read from a document relating to coverage from a cell tower. Supervisor Green suggested that Mr. Vriesema hand in the document for distribution to the Town Board instead of reading the whole document at the meeting. He said giving copies of any documents to the Town Board to read themselves would be more helpful to the Board than hearing it read through once at a meeting.

Mr. Vriesema also had a questions relating to Knox Village and what the zoning change was about. The Supervisor explained that in 2005 there was a land swap with the Town of Cornwall and now the land was being zoned to conform to the surrounding parcels.

Diane Newlander had a question about the number of units being planned in the Senior Citizen Housing applications. Supervisor Green said he was not sure however the plans are available at Town Hall for anyone to come in and look at. She also wanted to know if water and sewer are available at these project sites. Supervisor Green said he thinks it is available at one site, but not the other. Ms. Newlander then asked who would pay for installation of water and sewer and was informed that the developer does. She also wanted to know if the water moratorium is lifted, what would happen with the sewer. Supervisor Green said that was certainly a consideration in considering any applications.

She then wanted to know if Nextel would be making a presentation at any other public meetings or just at a workshop. Supervisor Green said that there would be a full public hearing held on this matter.

Sam Vriesema asked if the site plan for the senior citizen project in Vails Gate was available and what the name of the project is. Supervisor Green said that project has been submitted to the Planning Board and so is available for review, and if he asked for the totally affordable senior housing project, the Planning Board secretary would know what plans he wanted to look at.

Eric Rafael asked what the street address for the project was and was informed that so far, the project had no street address, just a section, block and lot number.

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

**# 20 On Agenda: Adjourn**

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 8:05 p. m.

*Roll Call: All Ayes*

*Motion Carried: 3-0*

Respectfully submitted,

**DEBORAH GREEN**  
**TOWN CLERK**

/clc